IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

RCRev..No. 105 of 2007()

RCA 16/2005 OF ADDL.RENT CONTROL APPELLATE AUTHORITY, ALAPPUZHA.
RCP NO.36/03 OF RENT CONTROL (PRL.MUNSIFF)COURT, ALAPPUZHA.

REVISION PETITIONER/APPELLANT/RESPONDENT

R.SOMAN, ANJEEKKARA BUILDING,
CHERTHALA NORTH MURI,
CHERTHALA NORTH VILLAGE.

BY ADV. SRI.G.GOPAKUMAR (CHERTHALA)

RESPONDENT: RESPONDENT/PETITIONER

SUJA ABRAHAM, ANJEEKKARA BUILDING,
CHERTHALA NORTH MURI, CHERTHALA NORTH VILLAGE.

BY

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.
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R.C.R.No.105 of 2007
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Dated this the 21st day of March, 2007.

ORDER

Raman,J.

Tenant is the revision petitioner. Eviction was ordered under Section 11(2)(b) and Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act. At the time of hearing of the Appeal itself, the tenant did not press his contention as against the order of eviction passed under Section 11(2)(b) of the Act. The Appellate Authority, in the circumstances proceeded to consider the materials on record with reference to Section 11(3) of the Act and concurred with the finding of the Rent Control Court and held that the landlord has proved his bonafides and that the petitioner is not entitled to the benefits of the second proviso and the order passed by the Rent Control Court was affirmed. It is against the said order that the present revision is filed.

2. After hearing for some, learned counsel appearing for the petitioner sought to withdraw the contention and prayed for some time to surrender vacant possession. Since the petitioner is engaged in a tailoring work and is in occupation of the building, a reasonable time is to be granted to give vacant possession.

3. In the circumstances, this revision petition is dismissed, subject to the following conditions:

(i) that the execution of the order passed by the Rent Control Court as affirmed by the Appellate Authority will stand deferred for a period of eight months till 20.11.2007;

(ii) that the petitioner shall surrender vacant possession of the building on or before 20.11.2007;

(iii) that the petitioner shall deposit the entire arrears of rent, if any, as on today within a period of one month;

(vi) that he shall not induct any third parties in possession of the building till vacant possession is given to the landlord and continue to pay the amount equivalent to the rent; and

(v) that he shall give an undertaking in the form of an affidavit before the Execution Court within a period of one month from today agreeing to abide by the above conditions.

In case he fails to comply with any of the above conditions, it will be open to the landlord to execute the order of eviction forthwith.

P.R.Raman,
Judge.

Antony Dominic
Judge.

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